

REMARKS/ARGUMENTS

Status of the Claims

Upon entry of the present amendment, claims 1, 3-5, 7, 17-25, 28-29, 31, 36, 43, 45, 49 and 77 are pending. Claim 1 is amended to set forth sequence identity or hybridization over the full length of the sequence. Support is found, for example, on page 49, line 18. No new matter is added by the present amendments and the Examiner is respectfully requested to enter them.

Request for Rejoinder

Claims 5, 17-25, 28, 29, 31, 43-45 and 49 are withdrawn from examination as being drawn to non-elected inventions. Claims 1, 3-4, 7, 36 and 77 and 5, 17-25, 28, 29, 31, 43-45 and 49 are related as compositions and methods of use. Upon entry of the present amendments, Applicants believe that composition claims 1, 3-4, 7, 36 and 77 are allowable. Accordingly, pursuant to M.P.E.P. § 821.04, Applicants respectfully request withdrawal of the restriction requirement with respect to composition claims 1, 3-4, 7, 36 and 77, and claims 5, 17-25, 28, 29, 31, 43-45 and 49, and examination of the withdrawn claims. In accordance with M.P.E.P. § 821.04, claims 5, 17-25, 28, 29, 31, 43-45 and 49 depend directly or indirectly from claim 1, and therefore incorporate all of the language of claim 1.

Rejections under 35 U.S.C. § 112, first paragraph

Enablement

The Examiner has rejected claims 1, 3, 4, 7 and 77 under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement. The Examiner appears concerned that the claims read on sequence fragments and partial complements. See, page 4 of the present Office Action. Applicants do not agree with the Examiner's position. However, in the interest of furthering prosecution, Applicants have amended claim 1 to set forth identity or hybridization over the full length of the sequence. In view of the amendments to claim 1, Applicants believe that the

Examiner's concerns are obviated. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Written Description

The Examiner has rejected claims 1, 3, 4, 7, 36 and 77 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. The Examiner alleges that there is insufficient written description for fragments and partial complements. See, page 7 of the present Office Action. Applicants do not agree with the Examiner's position. However, in the interest of furthering prosecution, Applicants have amended claim 1 to set forth identity or hybridization over the full length of the sequence. In view of the amendments to claim 1, Applicants believe that the Examiner's objections are rendered moot. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jennifer L. Wahlsten
Reg. No. 46,226

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
Attachments
JLW:jlw
61291578 v1